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8 Attorneys for Plaintiffs
ELASTICSEARCH, INC. and
ELASTICSEARCH B.V.
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10 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
11 **OAKLAND DIVISION**
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13 ELASTICSEARCH, INC., a Delaware
14 corporation, ELASTICSEARCH B.V., a Dutch
corporation,
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16 Plaintiffs,

17 v.

18 FLORAGUNN GmbH, a German corporation,
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20 Defendant.
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Case No. 4:19-cv-05553-YGR

**STIPULATION AND [PROPOSED]
ORDER CONTINUING TELEPHONIC
SCHEDULING CONFERENCE FOR
SETTLEMENT CONFERENCE;
DECLARATION OF DAVID R.
EBERHART IN SUPPORT THEREOF**

WHEREAS the Court issued an Order scheduling a telephonic Scheduling Conference in preparation for the Settlement Conference on January 3, 2020 at 10:00 AM (ECF No. 32), and WHEREAS undersigned counsel for Plaintiffs has a conflict with the currently scheduled date and time for the telephonic Scheduling Conference, the parties through their respective counsel, HEREBY STIPULATE AND REQUEST, pursuant to Civil Local Rule 6-2, that the Court continue the telephonic Scheduling Conference to January 7, 2020 at 10:00 AM using the same dial in and passcode provided in the Court's Order at ECF No. 32.

Dated: December 27, 2019

DAVID R. EBERHART
JAMES K. ROTHSTEIN
DANIEL H. LEIGH
O'MELVENY & MYERS LLP

By: /s/ David R. Eberhart
David R. Eberhart

Attorneys for Plaintiffs
ELASTICSEARCH, INC. and
ELASTICSEARCH B.V.

Dated: December 27, 2019

KWUN BHANSALI LAZARUS LLP

By: /s/ Michael S. Kwun
Michael S. Kwun

Attorneys for Defendant
FLORAGUNN GMBH

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 30, 2019



Hon. Sallie Kim
United States Magistrate Judge

STIPULATION AND [PROPOSED] ORDER
CONTINUING TELEPHONIC
SCHEDULING CONFERENCE
CASE NO. 4:19-CV-05553-YGR

DECLARATION OF DAVID R. EBERHART

I, David R. Eberhart, declare as follows:

1. I am a partner at O'Melveny & Myers LLP and counsel of record for Plaintiffs Elasticsearch, Inc. and elasticsearch B.V. I make this declaration based on my personal knowledge. If called to testify as a witness, I could and would testify under oath to the matters set forth herein.

2. This matter has been referred for a Settlement Conference before the Hon. Sallie Kim, United States Magistrate Judge.

3. On December 23, 2019, the Court issued an Order (ECF No. 32) setting a telephonic Scheduling Conference in preparation for the Settlement Conference for January 3, 2020 at 10:00 AM.

4. At the time of the telephonic Scheduling Conference, I will be in Japan on a pre-paid family vacation. As scheduled, the telephonic Scheduling Conference would take place at 3:00 AM local time in Japan.

5. On December 23, 2019, I asked counsel for Defendant floragunn GmbH to stipulate, subject to the Court's order, to continue the telephonic Scheduling Conference to January 7, 2020 at 10:00 AM. Counsel for Defendant agreed to so stipulate.

6. Previous time modifications in this case are as follows: (1) On November 19, 2019, the Court, pursuant to the parties' stipulation, ordered the Initial Case Management Conference in this matter continued by one week from December 9, 2019 to December 16, 2019 (ECF No. 18); and (2) On December 10, 2019, the Court, pursuant to the parties' stipulation, ordered Defendant's time to respond to Plaintiffs' First Amended Complaint extended from December 10, 2019 to December 24, 2019 and extended Plaintiffs' time to answer or otherwise respond to any counterclaims to January 28, 2020 (ECF No. 28).

7. The instant request for time modification will have no effect on any other aspect of the schedule in this case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration, made in conformity with 28 U.S.C. § 1746, was executed at Tokyo, Japan, on December 27, 2019.

/s/ David R. Eberhart
David R. Eberhart